



Standards Committee Agenda

Wyre Borough Council
Date of Publication: 8 June 2022
Please ask for : Duncan Jowitt
Democratic Services Officer
Tel: 01253 887608

**Standards Committee meeting on Thursday, 16 June 2022 at 6.00 pm
in the Civic Centre, Poulton-le-Fylde**

- 1. Election of Chairman 2022/23**
- 2. Election of Vice Chairman 2022/23**
- 3. Apologies for Absence**
- 4. Declarations of Interest**

Members will declare any pecuniary or significant other interests they have in relation to the items on this agenda.

- 5. Minutes of the previous meeting** (Pages 3 - 6)

Confirmation of the Minutes of the meeting of the Committee held on 11 November 2022.

- 6. Appointment of Independent Persons** (Pages 7 - 10)

Report of the Legal Services Manager and Monitoring Officer is attached.

- 7. Members' Code of Conduct Complaints- Summary** (Pages 11 - 16)

Report of the Legal Services Manager.

- 8. Date of next Meeting**

The next scheduled meetings of the Standards Committee are to be held at 6pm on Thursday 10 November 2022 and Thursday 16 March 2022.

This page is intentionally left blank



Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 11 November 2021 in Committee Room 2, Civic Centre, Poulton-le-Fylde.

Standards Committee members present:

Councillors Catterall, B Birch, Sir R Atkins, Gerrard, Swales and Orme

Apologies for absence:

None

Other councillors present:

None

Officers present:

Mary Grimshaw, Legal Services Manager and Monitoring Officer
Jane Collier, Human Resources Manager and Deputy Monitoring Officer
Duncan Jowitt, Democratic Services Officer

The Independent Person, Barry Parsonage also attended the meeting. No members of the public or press attended the meeting.

13 Election of Chairman

Councillor Sue Catterall was elected as Chairman of the Standards Committee for the municipal year 2021/22

14 Election of Vice Chairman

Councillor Phil Orme was elected as Vice-Chairman of the Standards Committee for the municipal year 2021/22.

15 Declarations of Interest

None.

16 Confirmation of minutes

The minutes of the Standards Committee meeting of 18 March 2021 were confirmed as a correct record.

17 **Local Government Association (LGA) Model Code of Conduct for Members**

The Monitoring Officer (MO) submitted a report presenting for approval the Local Government Association (“LGA”) Model Code of Conduct for Members (“the model code”) with amendments as set out in Appendix 1 of the report. If approved, the committee could either recommend to Council that the revised Code of Conduct be adopted or consider whether to set up a working group to further review Wyre’s Code in line with the model code as suggested at previous meetings.

The MO expressed disappointment that the government had not reintroduced sanctions allowing for potential suspension of councillors for bad behaviour and the Vice Chairman asked that the Democratic Services Officer email to all Wyre councillors a petition that was currently in circulation asking the government to introduce sanctions.

Decision

The committee decided unanimously that a working group would not be required and to recommend the adoption of the revised Code to Council with the addition of a proviso to refer to or seek advice of the Independent Person.

The committee also agreed to recommend that all town and parish councils in the borough adopt Wyre’s Code and to circulate the petition about sanctions to all Wyre councillors as suggested.

18 **Current Complaints: Summary**

The MO submitted a schedule that summarised the complaints of alleged breaches of the Council’s Code of Conduct completed since the previous report to the Standards Committee. The Deputy MO provided further information about the statistical format of the schedule and the committee discussed the new format at length, requesting that the MO include more detail as “the misuse of social media” gave no indication as to the nature of such misuse that had prompted the complaint.

Decision

The committee **noted** the report and asked that the MO, Deputy MO and Democratic Services Officer investigate practice elsewhere and how complaints are reported at Standards Committee meetings of other authorities and consider what further information might be provided in future without prejudicing any hearings that may become necessary.

19 **Dates of future meetings**

Noted that the next scheduled meeting of the Standards Committee would be held at 6pm on Thursday 17 March 2022 and that the meetings for 2022-2023 have been scheduled for 16 June 2022, 10 November 2022 and 16 March 2023.

The meeting started at 6.00 pm and finished at 6.44 pm.

Date of Publication: 12 November 2021

This page is intentionally left blank



Report of:	Meeting	Date
Mary Grimshaw, Legal Services Manager	Standards Committee	16 June 2022

Appointment of Independent Persons

1. Purpose of report

- 1.1 To note the retirement of Barry Parsonage, independent person, on 30 June 2022 and to thank him for the valuable service he has provided to the council in this role and wish him well in his retirement.
- 1.2 To note the appointment of a new independent person, Mike Nuttall, by Full Council on 12 May 2022, following the advertisement of the independent person's post.
- 1.3 To note the officers' recommendation to appoint David Gregson as a third independent person, to be considered by Full Council on 7 July 2022.

2. Outcomes

- 2.1 Compliance with the provisions of the Localism Act 2011 ("the Act"), which requires the council to appoint at least one independent person to assist the council in promoting and maintaining high standards of conduct amongst its elected members and town and parish councillors.

3. Recommendations

- 3.1 That the Standards Committee note the impending retirement of Barry Parsonage on 30 June 2022 and note the appointment of Mike Nuttall as an independent person, which was approved by Full Council on 12 May 2022.
- 3.2 That the Standards Committee also note that an application for the independent person's post was received from David Gregson and that following interview, the Monitoring Officer will make a recommendation to Full Council to appoint him as the third independent person.

4. Background

4.1 Barry Parsonage has been an independent person since 25 June 2015 and has advised the Monitoring Officer of his intention to resign at the end of June 2022. Throughout his appointment, he has worked closely with the Monitoring Officer, investigating allegations of misconduct whilst also providing a valuable and independent input in relation to wider ethical governance issues affecting the council. The council, at their meeting of 12 May 2022 thanked him for his many years of service and wished him well in his retirement.

4.2 Individuals appointed as independent persons must be recruited through a formal process. Therefore following Mr Parsonage's notice of resignation, an advert was placed on the council's website in April. The council received applications from two well qualified applicants who were interviewed by the Monitoring Officer and Deputy Monitoring Officer. Mike Nuttall is a former Chief Executive and s.151 officer of South Ribble Council and David Gregson works at Lancaster University and is deputy Chair of the University's Board of Discipline, which deals with more serious breaches of student discipline. Both are considered appropriate individuals to serve as independent persons and fit the criteria under the Act.

4.3 The Act stipulates that a person is not independent (and cannot therefore be considered for appointment) if the person is or has been within the last five years; (i) a Member, co-opted member, or officer of the authority; (ii) a Member, co-opted member or officer of a parish council of which the authority is the principal authority; or (iii) a relative, or close friend, of a person within (i) or (ii) above.

5. Key Issues and proposals

5.1 The council's current independent person Helen Kay will remain in post. Therefore the council will be in the fortunate position of having three independent persons which will provide the council with greater flexibility, to cover for absence or conflicts of interest, and will negate a situation where both the Monitoring Officer and subject member are calling upon the same independent person. It will also provide a wider range of external views and skills/knowledge. Such an approach is in line with best practice and recommendations from the Committee on Standards in Public Life.

5.2 An independent person has a number of roles:

- The views of an independent person must be sought and taken into account by the council before it makes a finding that a Member has failed to comply with its code of conduct or impose any sanction;
- The views of an independent person may be sought on whether to investigate a complaint and how to deal with a particular allegation;

- Any Member against whom an allegation has been made may consult the independent person regarding that allegation.
- In addition, independent persons are required to advise Full Council in the event of any disciplinary action being proposed against the three statutory officers: Head of Paid Service, Monitoring Officer and Chief Finance Officer.

5.3 The Act requires the appointment of independent persons to be approved by “the majority of members of the authority”. As a result, after interviewing the candidates, the Council approved the appointment of Mike Nuttall on 12 May 2022 and will consider a report recommending the appointment of David Gregson on 7 July 2022.

Financial and legal implications	
Finance	None arising directly from this report.
Legal	Section 28 of the Localism Act provides that arrangements must be put in place under which allegations can be investigated and action taken which must include provision of at least one independent person, although no term of office is specified. The Act does not limit the number of independent persons who can be appointed but does require appointments to be approved by the “majority of members of the authority”.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	✓

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a ‘privacy impact assessment (PIA)’ is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and

signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	25/05/2022

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1- Wyre Council – Councillor Code of Conduct (LGA Model Code as amended).

Appendix 2- Wyre Council’s current Councillor Code of Conduct



Report of:	Meeting	Date
Mary Grimshaw, Legal Services Manager	Standards Committee	16 June 2022

Members' Code of Conduct Complaints- Summary

1. Purpose of report

1.1 To advise the Committee of the number and status of complaints received since the last meeting under the Members' Code of Conduct which have been, or are to be, considered by the Monitoring Officer and the Independent Person.

2. Outcomes

2.1 The public and councillors have confidence in the high standards of local government, and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Codes of Conduct.

3. Recommendations

3.1 That the Standards Committee note the outcome of concluded complaints and the progress of those still outstanding.

3.2 That the Standards Committee decide on the frequency and style of the complaints summary.

4. Background

4.1 The council and individual members are required to promote and maintain high standards of ethical behaviour as is required under section 27 of the Localism Act 2011 ("the Act"). The Act requires the council to have in place arrangements, under which allegations that a member of the council has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. This report provides a summary to Members of the complaints received since the last Committee meeting.

4.2 At the Standards Committee on 18 March 2021, it had been agreed to provide the reporting of complaints in a more statistical manner rather

than in a schedule with a summary of each individual complaint that had been done previously. The statistical report provides members with a breakdown of complaints that are occurring and whether they are Borough or Town/Parish and the types of allegations being reported. It was felt that this more holistic approach would assist with future development and training for members as a whole.

- 4.3** At the last meeting on 11 November 2021, officers were asked to consider what further information might be provided in future without prejudicing any hearings that may become necessary. The Committee asked the MO, Deputy MO and Democratic Services Officer to investigate the practice elsewhere and how complaints are reported at Standards Committee meetings of other authorities.

5. Key Issues and proposals

- 5.1** Since the last meeting, officers have investigated practices elsewhere and also consulted an expert in code of conduct matters. Officers have also had regard to the Local Government Association's Guidance.

The findings are outlined below:

- The Code of Conduct expert confirmed that the statistical approach currently adopted by Wyre was practised in other authorities and was a perfectly acceptable way of providing members with details of the complaints received. He stated that there wasn't one preferred option of reporting a summary of complaints. He also confirmed that it was not appropriate to provide personal information about the complainant or subject member.
- Many councils provide an annual summary to their Standards Committee of the complaints received during the year. It had been agreed at the meeting in March 2021 that the complaints summary would be provided biannually rather than to each meeting of the committee.
- Reports regarding complaints do not contain personal details of the complainant or subject member.
- Some councils provided a statistical report with a breakdown of complaints that were occurring and the types of allegations being reported, similar to the current position at Wyre.
- Other councils provided a summary of each individual complaint and how the complaint had been resolved. This is how the complaints summary had been reported to Wyre's Standards Committee before March 2021.
- The LGA guidance on Member Model Code of Conduct Complaints Handling advised that it is appropriate to report back to the Standards Committee on the outcome of a MO's actions. However the guidance does not state how this should be carried

out and leaves it to each individual council to make that decision.

- 5.2** Since the last meeting, the Monitoring Officer has received five complaints. Of these, one was withdrawn, two were rejected as they did not meet the preliminary tests and two were resolved informally. These are summarised in the attached schedule – Appendix 1. Officers have combined a brief description of each complaint and outcome together with a statistical summary of the type of complaint. However no personal information is provided. This will allow members to take an holistic view of the complaints whilst also considering whether there are any issues of particular concern and whether the outcomes are being used appropriately and effectively.
- 5.3** Code of Conduct Training was carried out for Councillors on 3 February this year. Twenty-Five members attended on the day and a further 7 have subsequently watched the recorded session that was sent out to all Councillors.
- 5.4** It is a requirement of the Councillors Code of Conduct that training provided by the council is carried out, it is therefore important that the remaining councillors attend the training by watching the recorded session.
- 6.0 Data Protection Considerations**

Personal data has been processed during the consideration / investigation of complaints. Whilst a privacy impact assessment has not been completed on this occasion, previous advice and guidance has been obtained from the councils Data Protection Officer in relation to ensuring that the privacy of data subjects is considered at each stage of the process.

Financial and legal implications	
Finance	None arising directly from this report.
Legal	The council has a legal duty to respond to complaints made against councillors alleging breaches of the Code of Conduct and have in place suitable procedures for handling and investigating complaints. The council is also responsible for having arrangements in place to investigate and determine allegations against parish councillors.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	✓

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	26 May 2022

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 Schedule of current complaints

Schedule of current complaints: 24 May 2022

The following alleged breaches of the Code of Conduct are either currently being dealt with under the Council's complaints process or have been concluded since the meeting of the Standards Committee held on 11 November 2021

Ref No	Subject Member	Category of Complaint	Outcome
2021/10	Wyre Councillor	Allegation of inappropriate words at a Council Meeting – failing to treat another councillor with respect	Complaint reviewed by IP, MO & DMO. No breach of the code of conduct as considered political banter.
2022/1	Wyre Councillor	Allegation of breach of privacy	Complainant withdrew complaint.
2022/2	Town Councillor	Allegation of trespass/planning breach	MO investigated concerns and consulted with IP. Member was not acting in their official capacity as a councillor.
2022/3	Wyre Councillors x 2	Allegation of lying/misrepresentation through social media (facebook) posts.	Resolved informally following consultation with the IP by issue of letter to subject members.
2022/4	Wyre Councillor	Allegation of using position to gain advantage	Information about potential breach came to MO attention through council officers. MO & DMO met with subject member to discuss and advise re members duty under code of conduct. Dealt with informally.

Updated May 2022

This page is intentionally left blank